

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **James Rumbaua Damaso** Case Number: **CR 06-00005-001**

Name of Sentencing Judicial Officer: Honorable James Ware, Designated Judge

Date of Original Sentence: July 24, 2006

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Twenty months imprisonment to be followed by three years supervised release with conditions: not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA; not unlawfully possess a controlled substance, refrain from any unlawful use of a controlled substance and submit up to eight drug tests a month; refrain from the use of any and all alcoholic beverages; participate in a substance abuse program to include testing and make co-payment as determined by the Probation Office; and perform 400 hours of community service. **Modified on March 26, 2008:** Community service deleted and fine of \$1,965.60 imposed. **Informational Report on July 23, 2008:** Failed to answer probation officer truthfully, tested positive for a controlled substance, and failed to show for two drug tests. **Modified on July 28, 2008:** Fine amended to \$1,872.00.

Type of Supervision: Supervised Release Date Supervision Commenced: June 20, 2007

PETITIONING THE COURT

☐ To extend the term of supervision for _____ years, for a total term of _____ years.

☒ To modify the conditions of supervision as follows:

1. To perform 16 hours of community service under the direction of the U.S. Probation Office.

CAUSE

On July 20, 2008, this Probation Officer contacted Mr. James Damaso's residence to leave a message for him regarding his failure to show for drug testing on July 19, 2008. According to his father, Jovencio Damaso, his son had moved out of the family residence sometime around June 15, 2008, and his whereabouts was unknown.

A review of the June 2008 Monthly Supervision Report submitted by Mr. Damaso showed that he did not disclose that he moved from his family residence even though he met with this Officer on July 8, 2008. On July 22, 2008, this Officer contacted Mr. Damaso and confronted him about moving without giving ten days prior notice to the U.S. Probation Office. He stated that he was "just about" to inform the Probation Office that he moved from his residence. On July 23, 2008, at a non-compliance meeting, Mr. Damaso stated that he and his father got into an argument and, as a result, he moved out. He further stated that he was "afraid" to report the change in residence on July 8, 2008, because he did not have a steady residence, was staying at hotels, and he did not have enough money to rent an apartment.

This Probation Officer notes that on July 23, 2008, an Informational Report was filed apprising the Court that Mr. Damaso failed to show for drug testing on June 25 and July 7, 2008, failed to provide truthful answers to the Probation Officer on June 26, 2008, and tested positive for methamphetamine on June 26, 2008, which was confirmed by the laboratory on July 3, 2008. For the violations, he was returned to Phase I of drug testing and drug treatment. Mr. Damaso remains employed, his fine is paid with a wage garnishment, and his monthly supervision reports are submitted within the first five days of the month.

As a sanction for not providing truthful information on his June 2008 Monthly Supervision Report and for not giving ten days prior notification to the Probation Office about changing his residence, Mr. Damaso agreed to perform 16 hours of community service under the direction of the U.S. Probation Office. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Damaso's consent to the modification.

Reviewed by:

Respectfully submitted,



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

Date: July 29, 2008



/s/ MARIA C. CRUZ
U.S. Probation Officer

Date: July 29, 2008

THE COURT ORDERS

☐

No Action

☐

The Extension of Supervision as Noted Above.

☒

The Modification of Conditions as Noted Above.

☐

Other



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Aug 01, 2008